

REMARKS

This Continued Prosecution application has been filed in order to give the Examiner a fair opportunity to consider the foregoing amendments to the claims and the following arguments.

In response to the Examiner's arguments in the Final Rejection, the claims have been amended to include a limitation which originally was included in Claim 8, but which was overlooked during the previous amendments.

Thus, Claims 1 and 9, the only remaining unallowed independent claims, recite that the measurement marks measure distances from the cutting edge of the cutter.

This is quite different from the device shown in Wentzel (2,948,064).

In Wentzel, the measurement marks measure distances from the left end of the "butter ruler", not from the blade end 3 or the knife edge 5 of the ruler.

Thus, as the inventor states (Column 2, lines 29-39) when using the butter ruler, the user first grasps the knife portion 3 and uses it as a handle while measuring the distance along the butter stick from the left end of the ruler. The ruler is pressed into the butter to mark the butter. Then, the ruler is removed and the rule portion 2 is used as a handle while the cutting edge 5 of the knife portion is used to slice

the quantity of butter from the stick indicated by the impressions from the corresponding raised marks on the ruler.

The rejection of Claims 1 and 5-10 as being obvious over Wentzel in view of Youngberg (2,309,814) therefore is traversed, for the reasons stated above, and for the reasons to follow.

The Wentzel device cannot operate in the manner of the invention. Without measurements starting at the cutting edge of the butter ruler, even if one were to thrust the Wentzel blade to thrust downwardly into the butter bar, as the Examiner has suggested, this would not reproduce the invention. That is because the user must remove the ruler from the surface of the butter bar, reverse the position of the ruler in his or her hand, find the desired quantity mark embossed into the surface of the butter bar, place the blade of the device on that mark, and then thrust downwardly.

Of course, one would not tend to thrust downwardly in cutting butter using the Wentzel device (or an ordinary knife, for that matter) because it is more awkward to lift up the implement and push down on it than it is to cut the bar sideways using the blade edge 5, as Wentzel intends and states that one should do.

Therefore, the invention has the advantages that it eliminates one or more steps from the process required by

Wentsel and the other cited art, and therefore is much faster and easier to use.

In short, the invention provides extreme simplicity, speed and ease of use which is not present in, suggested by or in any way obviated by the references, either alone, or in combination with other references.

The Examiner has stated that the Youngberg reference is merely a teaching reference showing that it is notoriously old to thrust downwardly to cut a butter bar or the like.

Although Youngberg does show downward thrust cutting using a wavy-shaped blade in order to make butter "chips" like the chip 5 shown in Figure 1, this hardly proves that downward thrust cutting is "notoriously" old. In fact, in the undersigned attorney's experience, butter is almost always cut from the side, both because a butter knife or other knife usually is not wide enough to cut through the butter in one downward vertical stroke, but also because it is less cumbersome and awkward to cut with the long edge of a knife from the side of the butter bar.

The Examiner asserts that modifying Wentsel in the manner taught by Youngberg results in the advantages of a "more effective and powerful thrust cutting action". These are not the advantages claimed by the Applicant herein. The advantages of the invention, as stated above, are the much faster and

easier measurement and cutting operations. Thus, the advantages are not suggested by Youngberg.

Enclosed is a copy of a page from the website of the Assignee of this patent application, Robbins Industries, Inc. This page shows the product using the invention which is being successfully offered and sold by Robbins Industries, Inc.

The Examiner is invited to access the website at www.kitchenart.com to see the display of the product in color.

Claims 3 and 4 have been allowed.

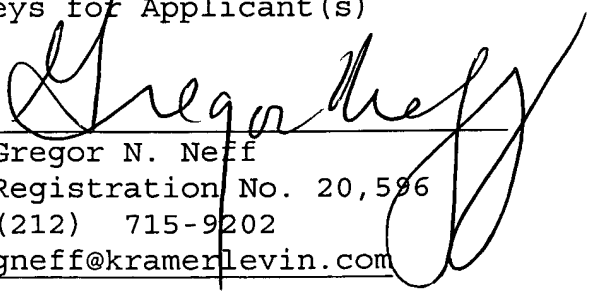
In summary, the invention has been distinguished from the prior art, the informalities noted by the Examiner have been corrected and the claims are in allowable form.

It is respectfully requested that the application be allowed.

Respectfully submitted,

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